

CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MON, JANUARY 12, 2009
7:00P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Danny Moore, Holy Trinity Church of God

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA & MINUTES

AGENDA: Council Meeting of January 12, 2009

MINUTES: Council Meeting of December 22, 2008

Special Meeting of December 29, 2008

Consent Agenda Legislation

Resolution – authorizing the City of Reading to submit a Redevelopment Assistance Capital Program Application with an additional \$2,000,000.00 for the total of \$7,000,000.00 for the construction of a new Science Center at Albright College (**Managing Director**)

Resolution – authorizing the disposition of Municipal Tax Records (**Tax Administration**)

Resolution – authorizing the disposition of 2001 Financial Interest Statements (**Council Staff**)

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

Pending

Advertisement and Public Hearing Required by MPC

Notice of Pending Ordinance Doctrine

Ordinance - to adopt an amendment to the Zoning Ordinance under the authority of the Pennsylvania Municipalities Planning Code, which adds a Planned Residential Development (PRD) overlay called the "RR Riverfront Redevelopment Overlay Zoning District" and to apply the new district to lands from the centerline of the Schuylkill River to areas to the east and northeast of the river, including areas generally south and southwest of Franklin St, along both sides of S. 2nd St. and Riverfront Dr., and along both sides of Canal Street including areas south of Laurel St., south of Willow St., west of S. 7th St. and north of South St. and as shown in more detail on the attached RR zoning overlay district

map (Solicitor) *Introduced at the December 8 regular meeting; public hearing to be held January 8*

INTRODUCTION OF NEW ORDINANCES

Ordinance - amending the code of ordinances of the City of Reading, Berks County, Pennsylvania, fee schedule, administrative fees, public record fees (**Council staff**)

Ordinance – authorizing the transfer of \$248,000 from the Self Insurance Fund Water/Sewer Main Break line item #52-11-00-4517 into the Incurred Liability Claims line item #52-11-00-4749 (**Human Resources**)

Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Part 1 Administrative Code, Section 1-185 – 9 C Annual Budget – Budget Organization and Content (**Council Staff**)

Ordinance - amending The Codified Ordinances Of The City Of Reading Chapter 1 – Section 1-186, 3, G by adding a new (3) requiring Council approval for all expenditures made from any and all Agency Funds and any and all line items and allocations made in the “Department: Non-Departmental” area of the General Fund Budget (**Council President Spencer**)

Ordinance - amending the City of Reading organizational chart as follows: adding the Division of Codes Services to the Department of Police; adding the Divisions of Information and Technology and Call Center to the Department of Finance; adding the Division of Zoning and Trades to the Department of Community Development; eliminating the Office of Neighborhood Development under the Managing Director (**Managing Director**)

Ordinance - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section (**Council Staff**)

RESOLUTIONS

Resolution – promoting patrol officer Kelly Kerr to the rank of Sergeant (**Police Department**)

PUBLIC COMMENT – GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, January 12

Meeting with the Mayor – Mayor's Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday, January 15

Housing Update – Council Office – 5 pm

Monday, January 19

City Hall closed

Tuesday, January 20

Meeting with the Mayor – Mayor's Office – 4 pm

Public Works Committee – Council Office – 5 pm

Administrative Oversight and Land Use Committee – Council Office – 5 pm

Work Session – Penn Room – 7 pm

Thursday, January 22

Zoning Amendment Committee – Council Chambers – 4 pm

Monday, January 26

Meeting with the Mayor – Mayor's Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, January 12

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Charter Board – Penn Room – 7 pm

Tuesday, January 13

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

15-1 – 928 Pearl St – 6:30 pm

Planning Commission – Penn Room – 7 pm

Bethany Area Neighborhood Organization – Bethany Baptist Church – 7 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, January 14

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Greenwich Seed – Hope Lutheran Church – 6:30 pm

Thursday, January 15

Convention Center Authority – Sovereign Center Lounge – 7 am

Dare 2 Care – Bethel AME Church – 5:30 pm

Southeast People's Voice – St. John's UCC – 6 pm

Mulberry & Green Citizens Committee – St. Luke's Lutheran Church – 6:30 pm

Friday, January 16

Fire Pension Board – Penn Room – 10 am

Monday, January 19

Library Board – 113 S 4th St – 4 pm

Redevelopment Authority – Redevelopment Office – 5:30 pm

Tuesday, January 20

Park and Recreation Advisory Committee – 3rd & Spruce – 5:30 pm

Blighted Property Review Committee – Council Office – 6 pm

Council of Neighborhoods – Goggleworks – 7:30 pm

HARB – Planning Conference Room – 7:30 pm

Wednesday, January 21

Officers and Employees Pension Board – Penn Room – 1:30 pm

Community of Hope of the 6th Ward – Lauer's Park Elementary – 6:30 pm

UNO – Mennonite Church – 7 pm

Centre Park Historic District – Member's home – 7:30 pm

Thursday, January 22

Water Authority – Penn Room – 4 pm

Monday, January 26

DID Authority – Reading Eagle 3rd Floor conference room – noon

BARTA – BARTA Office – 3 pm

Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm

Charter Board – Penn Room – 6:30 pm

Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm

City of Reading City Council

Regular Meeting Monday, December 22, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Randy Grossman, of the Grace Bible Fellowship Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
City Auditor D. Cituk
City Solicitor, C. Younger
Mayor, T. McMahon
Managing Director, R. Hottenstein
City Auditor, D. Cituk
City Clerk, L. Kelleher
City Solicitor, C. Younger
Public Works Director, C. Jones
Sgt at Arms Capt, R. Shafer

PROCLAMATIONS AND PRESENTATIONS

There were no proclamation or presentations issued at this meeting.

PUBLIC COMMENT

Council President Spencer announced that two citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule requiring non-agenda comment at the end of the meeting was suspended.

Council President Spencer reminded two citizens of the remaining public speaking rules.

W. Scott Wagner- of Thorn Street, stated that he owns an additional property on the 1000 block of Birch Street. He stated that he has owned this property for approximately 10 years. Originally his daughter resided at the property but since she left, he kept it vacant and is rehabilitating it for sale. He stated that since the property's been vacant the property has been plagued with illegal dumping. He inquired why this illegal dumping issue took 12 months to resolve. He stated that he is unwilling to obtain a housing permit and business license for this property as it is not currently a rental property

James Washington- of North 4th Street, noted the good attendance at the Reading School District Public Safety Advisory Committee meeting in mid-December. He described the incident his son was involved in after school at 11th & Spring Streets. He thanked the City and School District for discussing the problems during the school day and after school. He expressed the belief that the City and the School District together are responsible for student safety, but added that the parent and student should also be involved in these discussions.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer called Council's attention to the agenda for this meeting including the legislation under the Consent Agenda Heading and the minutes from the Regular Meeting of December 8th and the Special Meeting of December 4th. He announced the need to add a Resolution seeking the installation of a streetlight at 620 Summit Avenue.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to approve the agenda as amended, including the legislation listed under the Consent Agenda heading and the minutes from the December 4th Special Meeting and the December 8th Regular Meeting of Council. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Managing Director R. Hottenstein highlighted the report distributed to Council at the meeting covering the following:

- EMS revenue re-cap for November.
- Availability of Flu Shots at the Reading Health Dispensary,
- Holiday trash pick-up revenue.

Councilor Waltman expressed the belief in the need to have police officers at Reading High School regardless of the cost and who will pay that cost. He noted that in the past Council funded the placement of two police officers at Reading High School however, these officers have been re-deployed. He stated that ultimately tax dollars pay the cost of police officers in schools and on City streets.

Councilor Goodman-Hinnershitz expressed the belief in the need for a strong partnership between the Reading School District Administration, School Board, City Council, and City Administration, along with parents. She noted the need to discuss and review the need of safe corridors grant money. She noted the success of this program in Philadelphia. Managing Director R. Hottenstein stated that the Administration has devised a temporary plan to address school safety with police participation.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- 2008 Admissions Tax collection.
- 2008 Real Estate Transfer Tax collection.

ORDINANCES FOR FINAL PASSAGE

Bill No 77-2008 - Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. ***Introduced at the October 1 Special Meeting; Tabled on Nov 24th; Tabled on December 8th***

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 77-2008.

Bill 77-2008 was tabled by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman
Spencer President – 7.**

Nay: None – 0

Councilor President Spencer announced that Council will be considering this bill at their Special Meeting scheduled for Monday December 29th.

Bill No. 82-2008 – levying the real property taxes with no change in the current rate for the fiscal year beginning the first day of January 2009 and ending the thirty-first day of December 2009 ***Introduced at the December 4 regular meeting***

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 82-2008.

Council President Spencer explained that this ordinance was introduced at the December 8th regular Meeting due to the Mayor's Veto of the ordinance which increased property tax by the 5% allowed by the City Charter. He explained that the property tax levy applies only to the fiscal year and must be enacted with each budget. He also reminded everyone that City Council at their Special Meeting held on December 15 2008 introduced two

ordinances; one raising the 2009 property tax budget by 5% and increasing the Home Rule EIT rate by .2%.

Councilor Goodman-Hinnershitz inquired how the passage of this ordinance will affect the adoption of these two ordinances at the Special Meeting on December 29, 2008.

Councilor President Spencer explained the need for Council to approve this Property Tax Ordinance. He stated that should the ordinance considered at the December 29th Regular Meeting fail to be adopted the City must adopt the property tax levy in place.

Bill 82-2008 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0

Bill No. 63-2008 - Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled "Failure To Report Lost Or Stolen Firearms", Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties **(Mayor)** *Introduced at the September 22 regular meeting; Tabled at the October 13 meeting; referred to the Public Safety Committee; referred to the Committee of the Whole*

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 63-2008.

Council President Spencer invited Mayor Mc Mahon to open discussion on this Bill.

Mayor McMahon turned to the audience and made a lengthy plea for the need to enact this legislation that will increase the City's public safety by deterring drug trafficking. He noted the number of Pennsylvania cities that have adopted similar legislation. He also described his work to encourage statewide enactment of this ordinance.

Councilor Marmarou inquired if the local FOP approves or endorses legislation. Mayor McMahon stated that he has not discussed this legislation with the local FOP.

Councilor Waltman agreed with the strength of the statistics described by Mayor McMahon but countered if local authorities can understand these statistics, state legislators can also understand then. He expressed the belief that this issue should be handled at the state level.

Mayor McMahon announced that the School District's Public Safety Advisory Committee meets on the second Thursday of each month.

Councilor Fuhs noted his respect for the passion and principle of this issue. He stated that consideration of this legislation on the local level lacks solid support as only 6 out of 1,000 colleagues of the Mayor agree with the need for the enactment of this bill at the local level. He suggested that the legislation include tougher penalties and charges. He stated that his question regarding how this legislation will stop drug trafficking has had no response after two months.

Councilor Fuhs agreed that officials at the local level need to encourage action by the state legislature. He expressed the belief that enacting this legislation at a local level will not decrease crime or increase public safety. He suggested that the majority of the City's population is in poverty the Mayor should focus his energy and passion at that problem.

Councilor Goodman-Hinnershitz stated that she will support this legislation as it will require notification to authorities when a gun is lost or stolen. She noted the importance of legislation that does not affect law abiding citizens to possess firearms. She expressed the belief that this is a small piece of the overall issue but an important start.

Councilor Sterner stated that he will also support the enactment of this legislation as it provides a positive starting point that deals with irresponsible owners of firearms.

Councilor Baez reprimanded the Mayor for making a lengthy and overly broad plea to the citizens and the audience rather than to the body of Council. She stated that she will not support the enactment of this ordinance. She stated that when someone obtains a license to carry firearms they all already are required to report lost and stolen firearms to local authorities. She stated the responsible owners already step forward when losing a firearm. She noted the need to find a better way to address the true issues.

Mayor McMahon again described those cities that have supported this movement. He expressed the belief that the enactment of this ordinance is just as important as lobbying for better legislation at the state level.

Councilor Fuhs stated that the mayor pitches the need for this Bill as a first step when actually it began with a bill enacted earlier this year regarding gun fire in the City. He noted that in the pre Council meeting the Mayor noted the need for a third step which will require the City to hire an employee through the Joyce Foundation. He inquired how many more small local actions will be needed before the state legislators do their job.

Council President Spencer noted the two sides of this issue and the NRA and the Joyce Foundation. He inquired how those who own a legal firearm will be affected by this ordinance. He also inquired how this ordinance will affect guns used locally but owned by those who reside in other communities.

Council President Spencer questioned the Mayor's statement that enacting this legislation will prevent the death of police officers and civilians. He noted that gun control needs to be embraced at the state level. He stated that responsible owners will continue to be responsible and irresponsible owners will continue to act irresponsibly.

Councilor Waltman agreed that such ordinance will not effectively address the issue at hand. He also agreed that the state legislators need to address this issue.

Bill 63-2008 was enacted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Sterner – Waltman - 4

Nay: Baez, Fuhs, Spencer-President - 3

INTRODUCTION OF NEW ORDINANCES

There were no new ordinances introduced at this meeting.

RESOLUTIONS

Resolution 128-2008 - authorizing the issuance and sale of a tax and revenue anticipation note, series of 2009, of the City of Reading in an aggregate principal amount not to exceed \$3 million (Managing Director)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution 128-2008.

Councilor President Spencer invited the Managing Director to comment on this legislation.

Managing Director Hottenstein stated that this is the first time the City has needed to do a TRAN for the past two years. He stated that this TRAN will be held as a line of credit to provide coverage in times of low cash flow. He stated that the variable rate TRAN will start with an interest rate 2.6375%.

Resolution 128-2008 was adopted by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President-7

Nay- None - 0

Resolution 130-2008 – denying the appeal of a Certificate of Appropriateness by the City of Reading Public Works Department for storage structure in City Park and remanding the issue back to the HARB Board at their January 20th meeting. (Council Staff)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution 130-2008.

Council President Spencer explained that this Resolution will deny the certificate of appropriateness for the storage structure in City Park. He stated that this Resolution will also remand the issue back to the HARB Board which will allow the two parties to come to some compromise.

Councilor Goodman-Hinnershitz expressed her support for the denial of the certificate of appropriateness for the storage shed. She stated that the Public Works Department must find compromise with the HARB Board and the Penn's Commons Group.

Resolution 130-2008 was adopted by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President-7

Nay- None - 0

Resolution 131-2008 – directing the Administration to retain the services of an external auditor and a collection agency to being working to collect the uncollected housing permit fees, business license fees, per capita taxes, food permit fees, business privilege taxes, dumpster permit fees, tax administration licenses, local services taxes, and earned income taxes. (Marmarou & Goodman-Hinnershitz) ***Introduced at the December 15 Special Meeting***

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 131-2008.

Resolution 131-2008 was tabled by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President-7

Nay- None - 0

Council President Spencer noted that the Administration submitted some requests for amendment to this Resolution. Council will consider the proposed amendments and consider the adoption of this ordinance at the Special Meeting scheduled for Monday December 29th.

Resolution 132-2008 – appointing Carmela Boykins to the City Diversity Board (Admin Oversight)

Resolution 133-2008 – appointing Mary Alamo to the City Diversity Board (Admin Oversight)

Resolution 134-2008 – appointing Jeffrey Gattone to the Zoning Hearing Board (Admin Oversight)

Resolution 135-2008 – appointing James Schlegel to the Berks Area Reading Transportation Authority (Admin Oversight)

Administrative Oversight Committee moved to adopt Resolutions 132 through 135, which make appointments to the Boards and Authorities.

Councilor Marmarou expressed his belief in the energy and skill of those stepping forward. He noted the value of community service.

Councilor Baez agreed and added that these four individuals are not only qualified but are eager to begin working on City issues.

Resolution 132 though 135-2008 were adopted by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President-7

Nay- None - 0

COUNCIL COMMENT

Councilor Waltman and Councilor Baez wished all City residents a safe and Happy Holiday season. They announced the need for them to leave the meeting to handle some family issues.

Councilor Fuhs expressed the belief that City Government should not overstep its bounds by entering issues around private property and interests.

Councilor Marmarou agreed with the need to address public safety issues jointly with the City, Reading School District, and parents, along with County and State enforcement agencies.

Councilor Goodman-Hinnershitz also agreed with the need to expand the base and partnerships when considering broad public safety issues.

Councilor Goodman-Hinnershitz noted the coming completion of the light project at the Pagoda.

Councilor Sterner thanked the citizens who commented this evening. He agreed with the need for the City and the School District to work to find sensible solutions to the Public Safety issues in City schools.

Councilor President Spencer agreed with the various grey areas surrounding the housing permit process noted by Mr. Wagner earlier.

Council President Spencer noted that as he resided within a block of Reading High School he understands the wide spread problems that occur at dismissal due in part to the overcrowded conditions of the school.

Captain R. Schaeffer noted the large contingent of police officers available at the high school at dismissal time. He noted that police supervisors regularly meet with school officials to address safety problems. He also noted the various special details that occur in eight hour shifts in this area.

Councilor Fuhs left the meeting at this time.

Mayor McMahon stated that the Pagoda light project cost of \$25,000 was paid by the Berks county Community Foundation.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the regular meeting of Council.

Linda Kelleher, City Clerk

**CITY COUNCIL SPECIAL MEETING
MONDAY, DECEMBER 29, 2008**

A special meeting of City Council was held on the above date for the purpose of considering the new tax ordinances proposed and other legislation.

Vaughn D. Spencer, President of Council, called the special meeting to order.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
Councilor Waltman, District 6
Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher

PUBLIC COMMENT

Council President Spencer stated that there are no citizens registered to address Council.

APPROVAL OF AGENDA

Council President Spencer asked Council to consider the agenda for this meeting along with the minutes from the December 15th Special Meeting. Council President Spencer noted the need to amend the agenda to include a resolution that will allow the Reading School District to reissue the 2008 property tax bills. Council President Spencer inquired if any Councilor objected to the addition of this resolution.

Mr. Hottenstein arrived at the meeting and noted the need for the December 15th minutes to be corrected by removing his name under the Attendance heading as he was absent.

Councilor Baez moved, seconded by Councilor Fuhs, to approve the agenda as amended and the December 15th Special Meeting minutes as corrected. The motion was approved unanimously.

ORDINANCES FOR FINAL PASSAGE

Bill No 83-2008 – raising the 2009 property tax levy by 5% and setting the 2009 property tax levy at .011445 (11.45) (Fuhs & Goodman-Hinnershitz)

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to approve Bill No. 83-2008.

Councilor Fuhs stated that the discussions occurring over the last two weeks convinced him of the need to increase the property tax levy. However, he will not support the EIT increase proposed this evening.

Councilor Goodman-Hinnershitz described Council's work to amend the budget and reduce expenditures, moving away from the 23% property tax hike proposed by the Mayor. She expressed the belief in the need to increase the property and earned income taxes to improve the City's financial viability. She disagreed with the process used during this budget cycle and reprimanded the Mayor for his lack of participation in the budget process and his unwillingness to discuss and compromise with Council before the December 15th deadline.

Councilor Waltman noted the Administration's lack of formidable amendment as requested by Council when the body announced their refusal of the proposed 23% property tax hike. The Administration's irresponsible attitude created the need for Council to make final adjustments and require that each department reduce expenditures by 4%. He noted the Administration incorrectly believes that this 4% reduction is to be applied to personnel, not operations.

Councilor Waltman expressed the belief that the body of Council worked hard to come together, define their consensus and make the appropriate decisions within the Charter timeline. He noted that the 4% operational reductions will not be pleasant but are only a calibration of operational expenses.

Councilor Sterner agreed with increasing the property and earned income taxes to support City programs and services. He noted that this problem is shared by many other municipalities across the Commonwealth. He stated that these increases will not have a detrimental affect on the average City resident. He expressed the belief that reducing or eliminating various programs and services will exacerbate problems within the City and cause property values to plummet.

Council President Spencer noted that the Reading Eagle continues to charge Council with placing a \$1.4 million contribution from the Reading Parking Authority in the budget when this figure was in the budget presented by the Mayor on October 1st, along with increased revenue from the Reading Area Water Authority. He stated that the increase of the property and earned income taxes will not solve the City's problems. He noted that tax revenues collected will never cover the City's operational expenses, due to the salary increases required by the collective bargaining units. He stated that the City cannot tax their way out of this problem.

Council President Spencer noted that each Administration, including this one, has continued to overlook the lack of collection of various fees and taxes. He suggested that

the Administration collect these fees and taxes before laying a further burden on those already paying.

Bill No. 83-2008 was enacted by the following vote:

Yeas: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner - 4.

Nays: Baez, Waltman, Spencer - 3.

Bill No 84-2008 – increasing the Home Rule earned income tax rate by .2% increasing this levy to .9% (Fuhs & Goodman-Hinnershitz)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to enact Bill No. 84-2008.

Councilor Goodman-Hinnershitz stated that she will support this increase as it is manageable for the average city resident. She expressed the belief that this increase will provide sustainable revenue to the City. She agreed that the Administration needs to take the proper steps to collect previously uncollected fees and taxes. She noted that people on average believe that those who work are already over taxed. She stated that the City cannot increase this rate any further.

Councilor Waltman stated that actions to approve the property and earned income taxes may violate the Charter. He also stated that the City is not nearing bankruptcy and Act 47 is not the way out of this problem. He expressed the belief that increasing the property and earned income tax rates is moving the City in the wrong direction as our collective goal is to encourage people to return to the City. These increases will be detrimental to that goal.

Councilor Waltman stated that the Administration cannot continue to ignore the need to build synergies and seek out new revenue streams. He noted that each year Council has asked the Administration to increase synergies and improve efficiencies. Although the Administration verbally agrees, no action is taken.

Councilor Waltman asked the Solicitor to explain the effect these new increases will have on the appropriate revenue line items in the budget approved by Council. Council President Spencer asked all to remember that the Solicitor has not had time to study this issue. City Solicitor Younger stated that good argument can occur on both sides.

Councilor Waltman asked the Solicitor if these tax increases will amend the budget adopted by Council. City Solicitor Younger replied affirmatively. Councilor Waltman then asked the Solicitor to explain the reasoning behind the timelines mandated by the Charter. The Solicitor did not reply.

Councilor Waltman noted the danger of allowing the Administration to play with the budget timelines, timelines that were defined for a specific reason. He noted that the Solicitor did not respond to his last question.

Councilor Sterner stated that he will support this increase but stated that he is troubled by the burden this will cause for those employed City residents.

Councilor Sterner noted that two weeks ago he asked the Administration for some information but has not yet received a response. He stated that the County Data Book states that there are 59,000 adults in the City and 34,000 residents employed. He inquired how many of those workers file tax returns with the City.

Councilor Sterner stated that the City resident earning \$50,000 will pay an additional \$100 a year if this earned income tax increase is approved. He stated that a home assessed at \$50,000 will pay an additional \$26 per year under the property tax ordinance approved tonight. He noted the various unfunded State mandates.

Councilor Waltman suggested that the Administration and Council Finance Committee begin to define and consider the various City work areas and programs. He also disagreed with the way the Administration continues to push the budget timelines.

Mayor McMahon agreed that the budget process could have been improved. He noted the expected \$14 million deficit at the end of 2009. He stated that 60% of the budget covers public safety services. He suggested that Council and the Administration use a Blue Ribbon panel to assist in the review and consideration of the City's financial issues. He expressed his desire for the establishment of a Blue Ribbon panel and his commitment to rescind the tax increases if more viable solutions are identified. He also noted the need to move to regional water and sewer programs.

Councilor Waltman stated that the Mayor's proposal to increase property taxes by 23% was unrealistic. He stated that the Administration started the budget cycle in an irresponsible manner and did not move far from that position. He noted the need for the Administration to improve the balance of their objectives. He stated that the requested 4% operational expenditure reductions can be achieved. He stated that the libraries and recreation programs are just as essential as police and fire services.

Councilor Waltman agreed with the use of a Blue Ribbon panel but noted that the Administration will need to take action on their suggestions. He inquired if the Administration is prepared to take the necessary actions and questioned the Administration's ability to drive solutions.

Councilor Goodman-Hinnershitz stated that tonight's dialog needs to continue throughout the coming year.

Council President Spencer stated that he was highly disturbed with the budget process. He expressed the belief that slipping away from the previous decisions made on these tax ordinances is foolish. He noted that he has been on Council for eight years and Council's repeated requests to improve efficiencies and improve tax and fee collections have been repeatedly ignored.

Council President Spencer reminded the Mayor that water and sewer are already regional as there are service contracts with 12-14 surrounding municipalities.

Bill No. 84-2008 was not enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Sterner - 3.

Nays: Baez, Fuhs, Waltman, Spencer - 4.

Bill No 77-2008 - Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. ***Introduced at the October 1 Special Meeting; Tabled on Nov 24th; Tabled on December 8th and December 22th.***

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill No. 77-2008.

Council President Spencer stated that this ordinance has been discussed many times over the past weeks. He stated that the ordinance includes 736 City positions. Mr. Hottenstein stated that the Office of Neighborhood Development manager is the only employee who will be displaced in 2009.

Bill No. 77-2008 was enacted by the following vote:

Yeas: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer - 6.

Nays: Waltman - 1.

RESOLUTIONS

Resolution 131-2008 - directing the Mayor to retain the services of a collection agency to collect delinquent taxes and fees (Marmarou)

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 131-2008.

Councilor Marmarou noted the critical need for the City to improve the collection of fees and taxes. He noted the Mayor's promise to uphold this resolution if the earned income and property tax ordinances were approved. He read a statement noting the Administration's past missteps and lack of follow through in other areas. He asked the Mayor to provide assurance that he will uphold this promise properly.

Managing Director Hottenstein asked Council to have faith in the Administration's commitment to follow through on the stated collection areas. He stated that the many unfinished issues were not ignored and will be completed.

Councilor Goodman-Hinnershitz expressed the belief that the Administration will follow through and will continue to build trust with this body. She noted that this is no longer optional but a "must do" for the sake of the taxpayers who are continually asked to pay more. She noted the need for the Administration to apply penalties and pressure to inspire people to comply.

Councilor Waltman stated that while he supports this concept he will not vote to approve this resolution as the Administration should already be taking these actions without negotiating for tax increases.

Councilor Sterner agreed with the need for a resolution as a point of emphasis. He stated that this resolution merely amplifies the priority of this collection need.

Councilor Waltman agreed that this collection effort is a priority.

Council President Spencer stated that the City already retains four collection agencies to collect various fees. He agreed with the need to expand collection efforts. He inquired why the Administration has not taken this approach before. Managing Director Hottenstein stated that decreased manpower has placed limits on the collection of various fees and taxes. Existing staff is handling more high priority functions and issues.

Mayor McMahon apologized for his previous statement that the collection of nickels and dimes will not solve the problem, as today the collection of nickels and dimes is more important than in the past.

Resolution 131-2008 was adopted by the following vote:

Yeas: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer - 6.

Nays: Waltman - 1.

Resolution 132-2008 - Authorizing the Reading School District to reissue the 2008 property tax bills.

Councilor Waltman moved, seconded by Councilor Fuhs, to adopt Resolution 132-2008.

Council President Spencer explained that a miscalculation in the new property tax rate has created the need to reissue the school property taxes.

Councilor Goodman-Hinnershitz noted the rarity of this situation. She noted the need for a proper explanation to be issued to City property owners. Council President Spencer stated that the School District will provide an explanation via letter with the new bill.

Resolution 132-2008 was adopted by the following vote:

Yeas: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer - 7

Nays: None - 0.

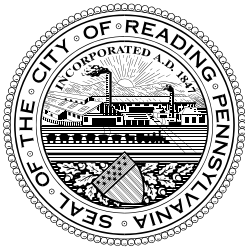
Council Comment

Council President Spencer noted that Council has returned to its proviso position by denying the earned income tax increase and approving a 5% property tax increase. He questioned the next steps.

Councilor Goodman-Hinnershitz inquired if the Mayor intended to veto the property tax ordinance. Mayor McMahon stated that he will not veto this ordinance.

Councilor Sterner moved, seconded by Goodman-Hinnershitz, to adjourn the special meeting of Council.

Linda Kelleher
City Clerk



AGENDA MEMO

THOMAS McMAHON, MAYOR

RYAN HOTTENSTEIN, MANAGING DIRECTOR

TO: City Council
FROM: Ryan Hottenstein, Managing Director
PREPARED BY: Cindy DeGroote, Grants Coordinator
MEETING DATE: January 12, 2009
AGENDA MEMO DATE: January 7, 2009
REQUESTED ACTION: Council approve a resolution amendment to authorize the City of Reading to file a Redevelopment Assistance Capital Program Grant for an increased amount

RECOMMENDATION

The Administration recommends Council approve a resolution amendment authorizing the City of Reading to file a funding proposal through the State Redevelopment Assistance Capital Program to receive funding (\$7,000,000.00) for the construction of a new science center at Albright College.

BACKGROUND

The State Redevelopment Assistance Capital Program provides funding to assist local communities in revitalizing their economy. The construction of the Albright College Science Center is an eligible project for such assistance. Previously Council authorized the City through Resolution No. 103-2008 on October 13, 2008 to submit a State Redevelopment Assistance Capital Program application to receive funding in the amount of \$5,000,000.00 for the construction of a new science center at Albright College. The State has approved additional funds in the amount of \$2,000,000.00 for a total amount of \$7,000,000.00 for the project.

BUDGETARY IMPACT

None

PREVIOUS ACTION

The Council passed Resolution No. 103-2008 on October 13, 2008 authorizing the City of Reading to submit an application for RACP funds in the amount of \$5,000,000.00 for the construction of a new science center at Albright College.

SUBSEQUENT ACTION

None

REVIEWED BY

Managing Director and Mayor

RECOMMENDED MOTION

Approve/Deny the resolution amendment to authorize the City of Reading to file a Redevelopment Assistance Capital Program grant proposal to include the additional amount.

RESOLUTION NO. _____
CITY OF READING CITY COUNCIL

A RESOLUTION AMENDMENT FOR RESOLUTION NO. 103-2008 TO AUTHORIZE THE CITY OF READING TO SUBMIT A REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM APPLICATION WITH AN ADDITIONAL \$2,000,000.00 FOR THE TOTAL OF \$7,000,000.00 FOR THE CONSTRUCTION OF A NEW SCIENCE CENTER AT ALBRIGHT COLLEGE.

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the Albright College Science Center as a project eligible for such assistance (the "Project"); and

WHEREAS, the Project will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact through the enhancement of Albright College's science curriculum.

WHEREAS, the Mayor is authorized to file an application for RACP funds in the amount of \$5,000,000.00 for the Albright College Science Center. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania.

NOW THEREFORE BE IT RESOLVED that the Mayor is authorized to file an application for RACP funds with an additional amount of \$2,000,000.00 for a total amount of \$7,000,000.00 for the construction of the Albright College Science Center. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania.

Adopted on _____, 2009

Vaughn Spencer
President of Council

ATTEST:

Linda A. Kelleher
City Clerk

RESOLUTION No. _____

Resolved by the Council of the City of Reading, Berks County, Pennsylvania, that;

Whereas, by virtue of Resolution No.120-2006 , adopted December 11, 2006, the City of Reading declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and;

Whereas, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW THEREFORE, The Council of the City of Reading hereby resolves as follows:

In accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

List office: Tax Administration

Record title, dates of record: Please see attached

Passed Council_____, 2009

President of Council

Attest:

City Clerk

**Disposition List of Records to be Destroyed
January 2009**

1999 – 2000	Per Capita Prior Year Listing
2000	Apportionment Detail
2000	W-2's
2001	W-2's
2001	Treasury Receipts
2001	Year-End Totals
2001	Per Capita Tax Forms
2001	Individual Return Forms
2001	Self-employed Forms
2001	Occupation Privilege Tax Forms
2001	Business Privilege License
2001	Business Privilege Tax Forms

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

WHEREAS, by virtue of Resolution 120-2006, adopted December 11, 2006, the City of Reading declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 2003, and;

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW THEREFORE, THE COUNCIL OF THE CITY OF READING DOES HEREBY RESOLVE AS FOLLOWS:

In accordance with City of Reading Records Retention Policy and Document Retention Schedule, hereby authorizes the disposition of the following public records:

City Clerk's Office

2001 – Financial Interest Statements

Passed Council _____, 2009

President of Council

Attest:

City Clerk

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING TO ADOPT AN AMENDMENT TO THE ZONING ORDINANCE UNDER THE AUTHORITY OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, THE CITY COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA HEREBY ADOPTS THE FOLLOWING AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF READING TO CREATE A NEW RR RIVERFRONT REDEVELOPMENT OVERLAY ZONING DISTRICT AND TO APPLY THE NEW DISTRICT TO LANDS FROM THE CENTERLINE OF THE SCHUYLKILL RIVER TO AREAS TO THE EAST AND NORTHEAST OF THE RIVER, INCLUDING AREAS GENERALLY SOUTH AND SOUTHWEST OF FRANKLIN ST, ALONG BOTH SIDES OF S. 2ND ST. AND RIVERFRONT DR., AND ALONG BOTH SIDES OF CANAL STREET INCLUDING AREAS SOUTH OF LAUREL ST., SOUTH OF WILLOW ST., WEST OF S. 7TH ST. AND NORTH OF SOUTH ST. AND AS SHOWN IN MORE DETAIL ON THE ATTACHED RR ZONING OVERLAY DISTRICT MAP

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A" to create a new RR Riverfront Redevelopment Overlay Zoning District and to apply the new district to lands from the centerline of the Schuylkill River to areas to the East and Northeast of the River, including areas generally South and Southwest of Franklin St, along both sides of S. 2nd St. and Riverfront Dr., and along both sides of Canal Street including areas South of Laurel St., South of Willow St., West of S. 7th St. and North of South St. and as shown in more detail on the attached RR Zoning Overlay District Map attached hereto as Exhibit "B."

SECTION 2. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. REPEALER. Any specific provisions of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City ordinance or resolution that is in direct conflict within this Zoning Amendment are hereby repealed as they affect the RR Overlay District.

SECTION 4. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 5. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances **is hereby amended and added to as follows:**

Part 1. The following new definition is added to Section 27-2202:

“Tract, Total Area of the” the total lot area of a single lot(s) in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. The Total Area of the Tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space or recreation land.”

Part 2. The following is added to Section 27-701:

“H. RR Riverfront Redevelopment Overlay District”

In Section 27-502, add the following: “A. However, the RR Overlay District shall function in relation to the underlying zoning district, as provided in Section 27-815.”

Part 3. The following is added as Section 27-702.H., regarding purposes:

“H. RR Riverfront Redevelopment Overlay District - This district recognizes an area of Reading that is uniquely situated compared to other areas of the City. This district allows optional types of future development and adaptive reuses consistent with such uniqueness. This area is also unique in terms of its size because it potentially includes over 20 acres of redevelopment land. This RR Overlay District is intended to:

1. Promote redevelopment that enhances the Schuylkill Riverfront, in recognition of its value to the City, while making better use of underutilized lands.
2. Promote appropriate mixtures of compatible uses that provide for a variety of employment opportunities and housing types, including mixtures of business and residential uses in the same building.
3. Improve the public’s access to the river and maximize the visibility of the riverfront.
4. Allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City and reducing commuting distances, while promoting use of public transit.
5. Carry out the purposes of the Traditional Neighborhood Development (TND) and the purposes of the Planned Residential Development (PRD) provisions

of the State Municipalities Planning Code, which are hereby included by reference.

6. Encourage new development to occur in a compact neighborhood-oriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.
7. Promote housing that serves various types of households.
8. Allow modification of certain requirements through the PRD process by the Planning Commission.
9. Promote a pedestrian-orientation through the development that includes a mix of commercial and residential uses.”

Part 4. The following is added as a new Section 27-815:

“27-815. RR Riverfront Redevelopment Overlay District.

A. Boundary. The RR District is hereby established, which shall include the geographic area shown in Exhibit A, which is attached and incorporated herein by reference. The Official Zoning Map shall be considered to have been amended to show the boundaries of the new RR Overlay District.

B. Applicability and Phasing.

1. The RR Overlay District is an optional zoning district that overlays the underlying zoning district. An applicant shall have the option of developing property under the RR District or under the underlying district. Once a final Planned Residential Development (PRD) plan is approved under the RR District, such land shall be developed under the RR District provisions and not the underlying zoning district, unless the Planning Commission approves a zoning application to abandon the PRD approval, after the applicant has provided notice in writing to the Zoning Officer and the Planning Office.
 - a. Until such time as development is underway within a phase of development that was granted Final PRD approval, uses shall be allowed under the regulations of the underlying zoning district. Once a Final PRD Plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the RR Overlay District shall be allowed, provided that other lawful pre-existing uses may be continued as non-conforming uses.
2. Development in the RR Overlay District shall first require tentative and then final approval as a Planned Residential Development (PRD). The PRD approval process replaces the conventional subdivision and land development approval process. Once a PRD has been granted final approval by the City Planning Commission, then individual uses allowed

in the RR Overlay District shall be permitted by right, provided they are consistent with the approved PRD Plan. If uses or development are proposed that are inconsistent with the approved PRD Plan, then the proposed PRD Plan revisions shall first be approved by the Planning Commission.

3. The provisions of this RR Overlay District shall only be available to be utilized if the “total area of the tract” is greater than 10 acres in common ownership or common equitable ownership at the time of tentative PRD plan submission. For the purposes of the RR Overlay District, a tract may include lots that are separated from each other by a street, a railroad, a park, or an alley.

- a. Once a Final PRD Plan has been approved, then individual buildings may be undertaken by various entities, provided there is overall compliance with the Final PRD approval and provided there is compliance with the City-approved phasing plan and a development agreement that have been approved by the City.

- b. See additional phasing provisions in Section 27-815.F. below.*

- C. Use Regulations. Within the RR Overlay District, land and/or structures may be used for any of the following permitted by right uses listed below and be combined together in one or more buildings, provided final PRD approval has been previously granted.

1. Single family detached dwellings
 2. One family semi-detached dwellings or Duplex dwelling.
 3. Apartment/Multi-Family Dwellings, which may include Mid-Rise or High-Rise apartments, provided the height requirement is met.
 4. One family attached dwellings (townhouses)
 5. Adaptive reuse of a building to convert building space into dwelling units and/or
to increase the number of dwelling units, provided the density requirements of
this Section are met .
 6. Amusement Arcade
 7. Bed and Breakfast Inn
 8. Surface, underground or structured parking areas as an accessory or principal use, provided that the area of surface parking lots shall not comprise more than 50 percent of the total area of all lots within the tract, and provided that underground parking shall not be allowed within the 100 year floodplain
 9. Business Services, which may include but is not limited to photocopying and custom printing

10. Catering, Preparation of Food for
11. Commercial Communications Tower/Antenna, that are attached to a building and that extend less than 25 feet above a principal building
12. Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio, or Retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.
13. Exercise Club, or Fitness facility
14. Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)
15. Hotel or Motel, which may include a restaurant and conference center
16. Massage Therapy by a trained person certified by a recognized professional organization, not including an Adult Business
17. Newspaper Publishing and Printing
18. Offices of business, institution, profession, medical, or similar entity (see also Home Occupation)
19. Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)
20. Recreation, Commercial, Indoor or Outdoor, other than an outdoor motor vehicle race track.
21. Restaurant, which may include entertainment, provided that drive-through service shall be prohibited.
22. Municipal buildings and uses and other governmental facilities, but not including prisons, other correctional facilities and solid waste facilities
23. Retail store(s), which may include but is not limited to a supermarket or a farmers market, but not including an Adult Business
24. Tavern or Nightclub, which may include a Brew Pub that manufactures alcoholic beverages for on-site and off-site sale
25. Theater (not including an "Adult Business"), Performing Arts Facilities, Civic and/or Cultural Facility, Arena, Museum, Canal, Amusement Park, Water Park, Aquarium, Sports Stadium, Gymnasium or Auditorium
26. Trade School or Similar Educational Institution
27. Veterinarian, other than Kennel
28. Research and Development, Engineering or Testing Facility or Laboratory
29. Adult day Care Center
30. Day care facilities, which may also include Nursery School, Pre-School or "Head Start" program center
31. College or University, which may include dormitories for full-time students and staff.
32. Museum or Visitor's Center, and which include accessory retail sales
33. Nursing Home or Personal Care/Assisted Living Home or Congregate Care Housing Retirement Community
34. Community Center or Resident/Employee Recreation Center, Non-Profit
35. Social club meeting facilities
36. Public Park, Playground or other publicly-owned or publicly-operated

- recreation facilities or non-commercial outdoor recreation areas
- 37. Boat Dock, Wharf or Marina
- 38. Swimming Pools, public or private
- 39. Bus stops, bus passenger shelters and taxi waiting areas
- 40. Indoor vending and amusement machines, not including gambling machines
- 41. Public Utilities meeting Section 27-1203, including but not limited to electric substations and sanitary sewage facilities, but not including vehicle garages, warehouses, storage yards or freestanding commercial communications towers
- 42. Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use
- 43. Community special event facilities, which may include tents, awnings and displays
- 44. Family Child Care Home
- 45. Group Child Care Home or Child Day Care as a principal use
- 46. Home crafts under the provisions of Section 27-1007
- 47. Home computer/internet occupations under Section 27-1006, or Home Professional Occupations under Section 27-1202 or Home Occupation, or No Impact Home Based Businesses as defined by the Pennsylvania Municipalities Planning Code. If a dwelling unit is designated on the Final PRD Plan as being a "Live Work Unit", then the requirement that the home occupation area is limited to 25 percent of the dwelling unit floor area may be increased to 50 percent.
- 48. Sales or rental office, which may include model units, provided that any temporary modular sales/rental building shall be limited to use during the first year of construction
- 49. Warehousing as an accessory use to the permitted principal use of the lot, provided the warehousing does not occupy more than 25 percent of the floor area of the building
- 50. Places of Worship
- 51. *Private or Public Primary or Secondary School*

D. Site Layout and Dimensional Regulations.

- 1. The following Area, Yard and Building Regulations shall apply for all uses approved within a PRD, whichever is most restrictive.
 - a. Maximum Residential Density 75 Dwelling Units/Acre *
 - b. Minimum Lot Area 10,000 square feet, provided that
1,600 square feet for townhouses
and for commercial uses fronting
upon a pedestrian-oriented
commercial street
 - c. Minimum Lot Width 50 feet, provided that 20 Feet

- shall be allowed for townhouses and commercial uses fronting upon a pedestrian-oriented commercial street**
- d. Minimum Building Setback for a new building from an abutting lot line at the perimeter of the tract 15 Feet, except a minimum of 30 feet from a residential district boundary for a building of greater than 40 feet in height.
 - e. Minimum Front Yard Setback 0 Feet
 - f. Minimum Rear Yard Setback 0 Feet
 - g. Minimum Side Yard Setback 0 Feet
 - h. Maximum Building Coverage 80%***
 - i. Maximum Building Height 140 Feet, except 200 feet for portions of buildings that are more than 200 feet from a principally residential lot that is outside of the PRD.
 - j. Buffer Yard Required No, except an 8 feet wide buffer yard shall be required if a pre-existing principal dwelling in a residential district is adjacent or across a street or alley from a new principal business use and such dwelling is not within the RR Overlay District
 - k. Site Plan Review by City Planning Commission Yes
 - l. River Front Building Setback Minimum of 50 feet from the top of the bank of the Schuylkill River or a structural wall or improved water's edge along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan. Pedestrian access may be placed within this setback.
 - m. Each single family detached, single family semi-detached or single family attached dwelling shall have a private outdoor area including a minimum area of 300 square feet for the exclusive use of that dwelling unit. Such outdoor area may be a rear or side yard, a porch, a balcony, a deck, an

improved rooftop recreation area with railings, or a similar feature.

- * The Maximum Residential Density shall be based upon the total area of the tract, before the deletion of rights-of-way of proposed streets and before the deletion of open space. Dwelling units may be located within the same building as allowed non-residential uses, provided such mixture of uses is consistent with the Tentative PRD Plan.
 - ** Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements if individual lot lines had been established.
 - *** The Maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. Underground parking that is covered by vegetation or a pedestrian plaza shall not count as building area for the purposes of this Section. The City may require that certain lots include a deed restriction limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time. For each 1,000 square feet of building floor area that achieves Certification or a higher level under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, an additional 300 square feet of building coverage shall be allowed above the maximum.
2. Fire Access. The applicant shall prove to the satisfaction of the Planning Commission, after a review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus. The applicant should use a computer program to show that adequate access will be available for the largest vehicles used by the Fire Department, including provisions for turn-arounds. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets or parking areas do not provide adequate access to various sides of a building, the City may require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway will be suitable for use by fire trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass.
 3. Minimum Business Uses. A minimum of 5 percent of the total floor area of all enclosed buildings after completion of the development of the tract

shall be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.

4. Open Land. A minimum of 10 percent of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or may be planted with new trees and shrubs or improved for outdoor recreational facilities. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Reading, which prohibits the construction of buildings and the further subdivision of the required open land.
 - a. Outdoor recreational facilities shall be landscaped and may include *pathways, pedestrian outdoor courtyards* and structures typically included in active and passive recreational areas. Areas *within a street right-of-way and areas* used for buildings or vehicle parking shall not count towards the open land requirement, except rooftop active recreation facilities that are available to all residents of the building and/or tract *may count towards up to 50 percent of the required open land areas. Required open land areas may be designed to be under a roof during inclement weather or under a awning or similar feature.*
 - b. Unless dedicated to and accepted by the City of Reading as part of a final PRD plan, such open land shall be owned and maintained by a legally binding association of property owners on the Tract. The form of the property owners legal documents shall be subject to review by the City Department of Law. If there is mutual written agreement between the applicant and the City, part or all of the open land may be maintained as a public park.
 - c. The open land shall be focused on taking advantage of the riverfront by providing for substantial public access along the banks of the river. Some of the open land may also serve the purpose of buffering residences from high traffic roads.
 - d. The Planning Commission may approve a portion of the open land requirement being met by the applicant making recreation improvements to existing adjacent City-owned parkland, provided the extent of the improvements are specified and provided that the City Council approves a list of such improvements. The City Council may approve a lease of parkland for the purposes of allowing an applicant to make improvements to City parkland.
5. Riverfront Access. The RR Overlay District offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RR Overlay District if the developer commits to providing public access to and along

all portions of the Schuylkill Riverfront that are under the control of the applicant. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.

- a. Such public access shall include a pedestrian pathway with a minimum hard-surfaced width of 10 feet and a public pedestrian access easement with a minimum width of 14 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such pathway may be gated and may be closed to the public between *10 p.m. and sunrise on land that is privately controlled. Access to land that is controlled by a public agency shall be governed by that public agency.* Such riverfront pathway shall be illuminated and landscaped and shall connect with any existing or planned public trail adjacent to the tract.
 - b. The applicant shall describe how parking will be made available for members of the public who wish to use the riverfront recreation trail and any recreation facilities open to the public. This may include on-street parking with time limits, but does not necessarily need to involve free parking provided by the applicant.
 - c. Pedestrian public access points to the riverfront trail shall be available a maximum of 1,000 feet apart from each other, with each access point connecting to a street open to the public. Sufficient access shall also be available to the riverfront trail for maintenance vehicles. Except for police, motorized wheelchair and maintenance access, no motorized vehicles shall be allowed along the riverfront trail.
6. Surface Parking Location. If a new principal building is constructed that will be occupied primarily by retail uses, no new vehicle surface parking spaces shall be located in the area between the front wall of such building and the curbline of the nearest public street. If such lot is adjacent to two or more streets, this restriction shall only apply to one street. This provision shall not restrict parking that is located to the side or rear of such building.

E. Site and Building Layouts. The following provisions shall be applied to the

tract to the satisfaction of the Planning Commission:

1. The tract shall include at least one pedestrian-oriented commercial street, with pedestrian entrances and pedestrian amenities along that street and with no off-street surface outdoor parking spaces located between such pedestrian-oriented street and the front of abutting principal buildings, except for loading/unloading spaces. Commercial establishments shall be placed along at least a portion of the street level building space along such pedestrian-oriented commercial street.
 2. Along this pedestrian-oriented commercial street, a minimum of 50 percent of the front wall of each principal building shall not have a setback of greater than 40 feet from the curblineline. The Planning Commission may approve a wider setback where appropriate to provide room for pedestrian amenities or an outdoor café.
 3. The Final PRD Plan shall specify locations for garbage collection, business truck unloading areas and similar building services. Such locations shall be subject to approval by the Planning Commission to minimize conflicts with the pedestrian-oriented commercial street and dwellings.
 4. The PRD shall have at least *one central focal point for each 2,000 feet of length of the development. Examples of such a focal point include a landscaped central green space and/or a pedestrian-friendly street that includes commercial uses.*
 5. Feasibility of Addressing Site Issues. As part of a Tentative PRD application, the applicant shall provide written material describing methods that will be used to provide compatibility with any adjacent sanitary sewage facilities and to address safety with any underlying natural gas infrastructure.
- F. Approval Process and Phasing. Development under the RR Overlay District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the Pennsylvania Municipalities Planning Code are hereby included by reference.
1. A Tentative Plan submittal shall be made that includes the entire tract. *The Tentative Plan submittal shall state the following for the entire development and for each tentative phase: proposed number of dwelling units, the floor area of non-residential uses, the amount and locations of open land, the proposed locations and heights of buildings, the proposed locations of off-street parking areas, the locations of loading areas, and sufficient other information to show the feasibility of the proposed development. A map shall show the tentative phasing plan.*

- a. The Tentative Plan submittal shall meet all of the requirements that would apply to a Preliminary Plan under the City Land Development and Subdivision Ordinance, *except that Tentative Plans do not need to be drawn at a scale larger than one inch equals 100 feet*, and except that the following submission requirements shall be deferred from the Tentative Plan to the Final Plan stage. Such deferral shall only occur if the applicant: a) shows the general feasibility of such features and b) commits to not construct improvements that will be dedicated to the City prior to receiving Final PRD Plan approval for the area that includes such improvements. *Such deferral may include the following:*
 - (1) Stormwater calculations
 - (2) Detailed grading and erosion and sedimentation control plans
 - (3) Proposed monuments
 - (4) Exact locations and species of plantings for landscaping plans
 - (5) Utility and street profiles
 - (6) Designs of culverts, man-holes, catch-basins and similar construction details
 - (7) Locations of proposed electric, telephone and cable television lines and water and sewage laterals
2. After review by the City Planning Office, City Engineer and Law Department, or their designees, and after the Tentative Plan has been offered for review by the County Planning Commission, the Tentative Plan shall be approved, approved with conditions or denied by the Planning Commission within the maximum time limits provided by the Pennsylvania Municipalities Planning Code, unless the applicant provides a written time extension.
 - a. The Tentative Plan may include a range of allowed uses in various areas, as opposed to identifying each specific use. The Tentative Plan shall show the preliminary layout of proposed streets, alleys, cartway widths, lots, public trails, recreation areas, major pedestrian and bicycle pathways, heights and uses of buildings, parking areas, major detention basins and proposed types of housing and non-residential uses.
 - b. The Tentative Plan is intended to show the inter-relationships and compatibility of various elements of the PRD. The Tentative Plan shall be to scale and be designed to show how the PRD will comply with the Zoning Ordinance.
3. After a Tentative Plan has been approved, a Final Plan shall be submitted, with any phasing occurring in logical self-sufficient phases. The Final Plan shall meet all of the same requirements that would apply to a Final Plan under the City Subdivision and Land Development

regulations. The Final Plan shall need approval by the Planning Commission.

- a. No sale of lots or construction of buildings (other than one temporary modular sales/rental building) shall occur until after all of the following requirements are met: (1) an approved Final PRD Plan for that phase has been approved by the Planning Commission and has been recorded, (2) the applicant has proven they have met any conditions upon approval, and (3) acceptable financial guarantees for improvements have been established.
4. *A Final Plan submittal shall be accompanied by an updated plan of the entire PRD at a Tentative Plan level of detail, which shall show portions previously approved, portions that have been built, the locations affected by the current Final Plan submittal, and the remaining phases of development. This overall plan shall also show compliance with density and open space land requirements.*
 5. Phasing. As each phase of development is approved, the applicant shall provide evidence that the requirements of this RR Overlay District will be met at the conclusion of that phase, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the density, bulk, and open land requirements. The City Planning Commission may permit variations in specific requirements of these provisions for an individual phase, provided there will be compliance after the completion of the next phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Tentative Plan. For each phase, the applicant shall prove that the PRD will be able to properly function and will include suitable vehicle and pedestrian access and utilities even if later phases of the PRD are not built.
 - a. *A tentative phasing plan shall be submitted as part of the Tentative Plan and be updated as part of any Final Plan and should be updated at least once a year afterwards. The phasing plan shall show the geographic area of each phase and the anticipated order of the various phases and an approximate timeline for start and completion of construction. The applicant shall prove to the City Planning Commission that any changes to the phasing plan comply with this Ordinance.*
 - b. *After final plan approval, the developer shall be required to enter into a development agreement with the City to ensure the timely completion of required improvements, in coordination with the*

Phasing Plan.

- c. If new dwellings are proposed adjacent to an existing industrial use, then the Planning Commission shall have authority to require provisions for transitional buffering and setbacks between those dwellings and any adjacent industrially zoned land. Such buffering and setbacks are intended to make sure that there will be a compatible border between dwellings and industrial uses, in case later phases are not developed.
 - (1) The Planning Commission may require that financial guarantees be provided by the developer to fund buffer plantings if adjacent phases are not built.
 - (2) The Planning Commission may require that a building setback be provided for dwellings from the edge of a future phase.
 - (3) If such future adjacent phase is completed in conformance with the Tentative PRD Plan, then such buffer and setback requirement is eliminated.
- d. If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revised Tentative Plan for acceptance by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect zoning ordinance compliance, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

G. Additional Requirements for a PRD.

- 1. Other Requirements. A PRD shall meet all of the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance that are not specifically modified by this Section or by the provisions of the Pennsylvania Municipalities Planning Code that governs PRDs.
- 2. Architecture. To carry out the intent of Traditional Neighborhood Development, as part of the final PRD submittal, the applicant shall submit a set of preliminary architectural sketches and the substance of draft architectural covenants to the Zoning Officer, the Planning Office, the City Department of Law and the City Planning Commission for review and comment. The applicant shall also submit a Manual of Written and Graphic Design Guidelines. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of final plan approval, prior to the recording of such plan.
 - a. No new principal building shall have a front facade that is primarily constructed using vinyl siding.

- b. New street lights within the PRD shall have a decorative design with a maximum total height of 22 feet using a design pre-approved by the City.
 - c. The applicant should describe any environmental friendly and energy efficient measures that are intended to be incorporated into the construction, such as use of rooftop gardens or green roofs.
- 3. Covenants. The City may also require covenants or conditions upon the plan to address setbacks, landscaping, pedestrian access, fire access, street improvements, utility improvements, access by the public to certain recreation areas, park improvements and other matters necessary to carry out the intent of this Overlay District.
- 4. Public Access. The Tentative Plan and Final Plan shall each describe the locations and extent of public access to the Schuylkill Riverfront.
- 5. Traffic Study and Improvements. As part of the Tentative Plan submittal, the applicant shall submit a Traffic Impact Study to the City. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development *during peak hours, the impacts of the development upon traffic in the surrounding area, any resulting reductions in levels of service below a level of "C" at intersections and highway ramps*, and measures that the applicant proposes to complete or fund to mitigate the impacts, *such as street improvements and/or assistance in funding transit services*. Such Traffic Impact Study shall be updated as needed as each phase is submitted. If diagonal parking is proposed along a street, the Traffic Impact Study shall assess the safety of such parking in that location.
 - a. The Traffic Impact Study shall analyze issues involving truck traffic, particularly to avoid conflicts between new dwellings and late night truck traffic, while also addressing peak hour congestion.
 - b. *The Traffic Impact Study shall be prepared under the direction of a professional with substantial experience in preparing traffic impact studies. The qualifications of such person shall be included in the report.*
- 6. *For lots within a Historic District that is regulated by the City of Reading Historic Districts Ordinance, the applicant shall also comply with such Ordinance.*
- H. PRD Modifications. As authorized by the TND and PRD provisions of the Pennsylvania Municipalities Planning Code, specific zoning and subdivision

and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant. Such modifications shall be allowed where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or TND as provided in State law. Such modifications shall be limited to street standards, setback requirements, sidewalk and curb standards, improvement requirements, and technical engineering requirements. The Planning Commission shall consider recommendations of the City Engineer or designee before approving any modifications to street, improvement and rights-of-way requirements.

1. As another option, the applicant shall also have the additional option of submitting an application for a zoning variance to the Zoning Hearing Board, in the same manner as would apply to other sections of the zoning ordinance.
2. Such modification may include, but is not limited to, the following street rights-of-way and cartway widths:
 - a. A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, 8 feet wide parallel parking lanes, a 4 feet wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of 5 feet in width *except 8 feet in width in front of principal commercial uses*, and a right-of-way width that includes the width of the required sidewalk.
 - b. A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8 feet wide parallel parking, a 4 feet wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 5 feet and a minimum right-of-way width that includes the required width of the sidewalk.
 - c. An alley serving two-way traffic may be constructed with a 16 feet wide cartway and a 5 feet wide minimum setback between the travel lane and any rear garage, *provided that parking is prohibited within the cartway. Along any side of an alley along which parallel parking is allowed, an additional 8 feet of paved width shall be required.*
 - d. The Planning Commission may require wider cartway widths as needed, considering the results of the Traffic Impact Study.
3. Any street within the RR Overlay District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.
 - a. Pedestrian sidewalks with a minimum width of 5 feet and street

trees meeting requirements of the City shall be required on each side of every street, unless the applicant proves to the Planning Commission that an alternative pathway open to the public will provide the same level of pedestrian access. *The minimum width of sidewalks shall be increased to 8 feet in front of principal commercial uses. Tree grates or similar measures may be used and permitted outdoor cafes may intrude into the sidewalk, provided a 4 feet continuous pedestrian and wheelchair accessible pathway is provided along the sidewalk.* A minimum average of one street tree shall be required for each 40 feet of street length, unless existing trees will be preserved to serve the same purpose.

I. Off-Street Parking and Loading Regulations. The requirements of Part 16 of the Zoning Ordinance shall apply, except for the following modifications:

1. Off-street parking may be shared by various uses and lots within the RR Overlay District provided that the developer shall demonstrate to the Planning Commission that sufficient parking is provided on the Tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that shared parking will continue to be available to all of the uses that are served by the parking during the life of those uses.
2. The amount of Off-Street Loading requirements shall be determined by the Planning Commission upon review of the proposed uses of each Phase of the Tentative PRD Plan.
3. Under the authority to modify requirements as part of a PRD, the Planning Commission may reduce the required amount of off-street parking by up to 30 percent based upon:
 - a. the applicant's traffic study and parking study, *provided the parking study analyzes current and anticipated on-street and off-street parking demand and supply within the PRD and at least one block in each direction,*
 - b. the ability of various uses to share parking, particularly if those uses have different period time periods of peak parking demand,
 - c. commitments by the applicant to fund or provide transit services for residents, customers and patrons, such as connections to an off-site parking area, and
 - d. the availability of public transit and/or any shuttle or trolley service that may be provided during periods of peak parking demand.
4. For development under the RR Overlay District, new off-street vehicle parking spaces shall not be located within 100 feet from the top of the bank of the Schuylkill River or a structural wall along the Schuylkill River,

based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.

5. An applicant may meet a maximum of 25 percent of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a street adjacent to the use.
- K. Preserved Open Land. The method of ownership and maintenance of the preserved open land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved open land ownership or use that was not part of the PRD approval shall need Planning Commission approval.
1. Required preserved open land shall be preserved through a permanent conservation easement that is enforceable by the City. The legal form of the documents concerning the preserved open land shall be approved by the City Department of Law, or designee.
 2. The preserved open land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.
 3. Methods for ownership of the preserved open land shall utilize one of the following: a) dedication to the City for public recreation if the City agrees in advance to accept it, b) dedication to a property-owners association, with each owner of property within the PRD legally required to annually fund their share of the maintenance of the open land, c) retention by the owner of a rental housing development, or d) another suitable method that is specifically approved by the Planning Commission.

Part 5. Sign Regulations

The following is added as a new Section 27-1726:

“Signs Within the RR Overlay District.

In the RR – Riverfront Redevelopment Overlay District, signs shall meet the requirements that apply in the C-C district, except that the Planning Commission may approve modifications to sign provisions under the PRD provisions, in response to a written request from the applicant. In no case shall more than one freestanding sign be allowed per building per street frontage. In addition, a professional sports stadium may also include one 200 square feet freestanding sign with up to 2 sides. Signs that are not readable from a street and from beyond the property line are not regulated by this Section.”

Part 6. Table of Contents

The table of contents of the Zoning Ordinance shall be revised to incorporate this zoning ordinance amendment, including the following:

Add the new Section 27-1726 entitled “Signs Within the RR Overlay District.”

Add the new Section 27-815 entitled “RR Riverfront Redevelopment Overlay District.”

EXHIBIT B

**Land Area to Be Included in the
RR Riverfront Redevelopment Overlay District**

B I L L N O. _____
A N O R D I N A N C E

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, ADMINISTRATIVE FEES, PUBLIC RECORD FEES.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Public Record Fees shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part hereof.

Photocopying Fee - 0.25 per page (either a single-sided copy or one side of a double-sided black and white copy of a standard 8.5" X 11" page)

Certification of a record - \$1 per record (this does not include notarization fees)

Copying records to/from electronic media – actual cost

If the cost is expected to be \$100 or greater the full cost will be payable prior to the release of the record

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

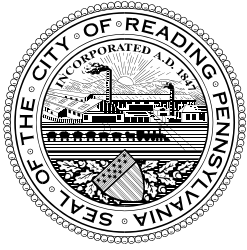
SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk



AGENDA MEMO

HUMAN RESOURCES DEPARTMENT

TO: City Council
FROM: Charles Younger/Chris Wheelen/Pat Beisswanger
PREPARED BY: Pat Beisswanger
MEETING DATE: December 8, 2008
AGENDA MEMO DATE: December 3, 2008

REQUESTED ACTION: To approve a transfer of \$248,500 from the Self Insurance Fund Water/Sewer Main Break line into the Self Insurance Fund Incurred Liability Claim line.

RECOMMENDATION: The City Solicitor and the Human Resource Director are asking Council to approve a transfer of \$248,500 within the Self Insurance Fund to pay a lawsuit settlement payment due in 2008.

BACKGROUND: The Incurred Liabilities line will exceed it's budgeted amount in 2008 due to a lawsuit settlement payment of \$250,000 that was not expected.

BUDGETARY IMPACT: None

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED BY: Christine Wheelen, Human Resources Director, Charles Younger, City Solicitor and Pat Beisswanger, Risk and Safety Coordinator

RECOMMENDED MOTION: Approve a transfer of \$248,000 from the Self Insurance Fund Water/Sewer Main Break line #52 11 00 4517 into the Incurred Liability Claims line #52-11-00-4749.

BILL NO. _____-2009

A N O R D I N A N C E

AUTHORIZING THE TRANSFER OF \$248,500 FROM THE SELF-INSURANCE FUND WATER/SEWER MAIN BREAK ACCOUNT INTO THE INCURRED LIABILITY CLAIMS ACCOUNT.

WHEREAS, the Self Insurance Fund Incurred Liability Claims account # 52-11-00-4749 has exceeded its 2008 budgeted amount with outstanding bills/invoices still unpaid; and

WHEREAS, the Self Insurance Fund Water/Sewer Main Break account # 52-11-00-4517 has a remaining 2008 balance; and

WHEREAS, the City Administration requests that City Council approve the transfer of the amount of \$248,500 from account # 52-11-00-4517 into account # 52-11-00-4749 pursuant to the City of Reading's Administrative Code Section 1-186 (3A-G),

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The amount of \$248,500 shall be transferred from the 2008 budgeted amount in the Self Insurance Fund Water/Sewer Main Break account # 52-11-00-4517 into the 2008 budgeted amount in the Self Insurance Fund Incurred Liability Claim account # 52-11-00-4749.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor or as otherwise provided under the Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Law)

AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1
ADMINISTRATION AND GOVERNMENT, PART 1 ADMINISTRATIVE CODE,
SECTION 1-185 – 9 C ANNUAL BUDGET – BUDGET ORGANIZATION AND
CONTENT.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Amending the City of Reading Codified Ordinances Chapter 1, Part 1
Section 1-185 9C Annual Budget-Budget Organization as follows:

C. Budget Organization and Content.

(1) Section 904. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- A. It shall begin with a general summary of its contents.*
- B. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.*
- C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.*
- D. It shall show the number of proposed employees in every job **classification and the proposed salaries of all exempt employees beginning in 2009.***
- E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.*
- F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.*
- G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs.*
- H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and*

expenditure information shall be attached as appendices to the budget. The total of proposed expenditures shall not exceed the total of estimated income.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 1 of the Codified Ordinances of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. ____ -2009
AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING CHAPTER 1 – SECTION 1-186, 3, G BY ADDING A NEW (3) REQUIRING COUNCIL APPROVAL FOR ALL EXPENDITURES MADE FROM ANY AND ALL AGENCY FUNDS AND ANY AND ALL LINE ITEMS AND ALLOCATIONS MADE IN THE “DEPARTMENT: NON-DEPARTMENTAL” AREA OF THE GENERAL FUND BUDGET.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances of the City of Reading Chapter 1, Section 1-186, 3, G by adding a new (3) shown below:

3. Regulations Concerning Appropriations and Transfers.

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the managing director, and Council. This monthly report shall include all expenditures for each City Department, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer of funds within departments and between departments.

C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

D. Justification for transferring money between departments must be presented to and approved by Council. The procedures manual will stipulate the following:

- (1) Expenditure procedures.
- (2) Justification procedures for transferring money between line items.
- (3) Justification procedures for transferring money between department.
- (4) Administration of petty cash funds.

E. *Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer of all monies including, but not limited to, transfers between departments, and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred. [Ord. 36-2000]

F. *Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$25,000.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [Ord. 36-2000]

G. Requiring City Council approval, via ordinance, for the following:

(1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.

(2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year.

(3) All expenditures and allocations from and to any and all Agency Funds and any and all line-items falling in the Departmental: Non Departmental area of the General Fund.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Council Pres. Spencer & Council Staff)

ORDINANCE NO. _____ 2009

AN ORDINANCE AMENDING THE CITY OF READING ORGANIZATIONAL CHART AS FOLLOWS: ADDING THE DIVISION OF CODES SERVICES TO THE DEPARTMENT OF POLICE; ADDING THE DIVISIONS OF INFORMATION AND TECHNOLOGY AND CALL CENTER TO THE DEPARTMENT OF FINANCE; ADDING THE DIVISION OF ZONING AND TRADES TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT; ELIMINATING THE OFFICE OF NEIGHBORHOOD DEVELOPMENT UNDER THE MANAGING DIRECTOR

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading Organizational Chart shall be amended to reflect the structure detailed in the attached exhibit "A".

SECTION 2. This Ordinance shall become effective ten (10) days after its approval, in accordance with Section 221 of the City of Reading Home Rule Charter.

Passed Council _____, 2009

President of Council

Attest:

City Clerk

BILL NO. _____ 2009
AN ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 27 ZONING BY CREATING A NEW SECTION IN PART 11
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OF ZONING DISTRICTS
BY PLACING REQUIREMENTS FOR THE RENTAL OF SINGLE FAMILY HOMES
IN AREAS ZONED R-1, R-1A and R-2 AND AMENDING THE DEFINITIONS
SECTION.**

WHEREAS, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

WHEREAS, over 50% of all residential properties in the City of Reading are rental properties the City's residential neighborhoods are plagued with quality of life problems such as inadequate parking, noise, overcrowding, heavy traffic, etc., and

WHEREAS, as the City of Reading City Council and residents of these neighborhoods seek to preserve the quality of life in these low density residential zones by creating requirements for single family rental properties in area zoned R-1, R-1A and R-2.

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 11 Additional Requirements for Specific Uses or Zoning Districts by creating a Section 27-1107 which creates restrictions on the rental of single family homes in R-1, R-1A and R-2 zoning districts, as follows:

Section 27-1106. Requirements for Rental Properties in the R-1, R-1A and R-2 Zoning Districts.

- A. All single family rental properties must obtain a zoning permit.
- B. No single family property in these zoning districts shall be converted for multi-family use or created to become Roommate Rentals as defined in Sections 27-1202 (16) and 27-2202.
- C. The application must include a site plan and architectural plans, drawn to scale, must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- D. The rental property must meet the standards of the City of Reading building, housing and fire codes as required for residential rental properties. The owner must verify to the City of Reading on an annual basis that the building

- meets all of the maintenance, plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
- E. No cooking facilities of any kind shall be located in any room except the central kitchen.
 - F. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
 - G. No basement or cellar shall be used as a habitable bedroom except by special approval and variance from the Zoning Hearing Board.
 - H. Each rental property must provide one on-site off-street parking space for each resident.
 - I. No rental property shall be located within 800 feet of another except by special approval and variance from the Zoning Hearing Board.

SECTION 2. Requiring all existing rental properties in R-1, R-1A and R-2 zoning districts to register their property's pre-existing, non-conforming status within one (1) year of the enactment of this ordinance. Registering the property by this date will allow the property to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the property must be converted to a use permitted in the zone within 6 months.

SECTION 3. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 22 Definitions by adding the following:

RENT, RENTING, RENTAL, LET, LETTING, LEASE OR WORDS OF SIMILAR MEANING – the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof or the owner's family (related by direct blood line, marriage, adoption, or foster relationship), whether or not for compensation.

RENTABLE UNIT, UNIT, OR WORDS OF SIMILAR MEANING - Any dwelling, dwelling unit, rooming house or rooming unit not solely occupied by the owner.

ROOMING UNIT- a portion of a building providing rooms for sleeping and/or sanitary facilities.

SECTION 4. The owner or qualified agent or manager of the property shall register the rental property annually with the Codes Services and Tax Administration offices. Failure to register on an annual basis will revoke the zoning permit.

SECTION 5. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.



AGENDA MEMO

POLICE DEPARTMENT

TO: City Council
FROM: Chief William M. Heim
PREPARED BY: Chief William M. Heim
MEETING DATE: January 12, 2009
AGENDA MEMO DATE: December 22, 2008
REQUESTED ACTION: Authorize the Promotion of one Patrol Officer to Sergeant

RECOMMENDATION

The Mayor and Police Chief recommend the promotion of the following patrol officer to the rank of Sergeant:

Officer Kelly M. Kerr, date of employment January 16, 2001

BACKGROUND

There is currently one vacancy for Sergeant that was left over after the previous civil service list was expended. A new test was conducted this fall by the police civil service board. Officer Kelly Kerr took the written and oral examination for the position of sergeant and finished first in the process. In addition, the Police Chief has reviewed her performance, dependability, and conduct and the Mayor and Police Chief recommend her for promotion.

BUDGETARY IMPACT

None. This funded position has become vacant due to a promotion and retirements.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve a resolution to authorize the promotion of Kelly M. Kerr to the rank of Sergeant.

RECOMMENDED BY

The Mayor and Police Chief recommend approval.

RECOMMENDED MOTION

Approve/deny the resolution authorizing the promotion of Kelly M. Kerr to the rank of Sergeant effective January 13, 2009.

R E S O L U T I O N NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Patrol Officer Kelly Kerr is promoted to the rank of Sergeant in
the Reading Police Department, effective Tuesday, January 13, 2009.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk